

REMARKS/ARGUMENTS

Claims 1, 3-6 and 8-21 are pending herein. Claim 1 has been amended to include the subject matter of claim 2, and claim 6 has been amended to include the subject matter of claim 7. Claims 2 and 7 have been cancelled without prejudice or disclaimer. Claims 1, 6, 12, 16, 17 and 21 have been amended to address matters of form. Claim 15 has been amended to depend from claim 14, and claim 20 has been amended to depend from claim 19.

1. The objection to the title is noted, but deemed moot in view of the new title submitted herewith.
2. The objections to the claims are noted, but deemed moot in view of the rewritten claims submitted above.
3. Claims 1, 4-6, 9-15 and 17-20 were rejected under §102(b) over Yasunori. Applicants respectfully submit that because independent claims 1 and 6 have been amended to include the subject matter of claims 2 and 7, respectively, the present rejection is now moot in relation to amended independent claims 1 and 6 along with claims 4, 5 and 9-11 that depend therefrom. The Examiner is respectfully requested to note that these claims will be discussed in further detail below (see Section 4). With regard to claims 12-15 and 17-20, this rejection is respectfully traversed.

Independent claims 12 and 17 recite, in relevant part, a display using an EL element, the EL element being located on such a side that, upon energization of either one or both a first film substrate side and a sealant layer side, fluorescent emission is viewable, a light transparent pattern layer being formed on the fluorescent emission-viewable side.

The Examiner is respectfully requested to note that the pattern layer may be one in which a non-light shielding part (a light transparent part) surrounded by a light shielding part is provided as a pattern (specification, page 15, lines 1-3). The pattern layer may be formed by solid printing of the light shielding part (specification, page

15, lines 3 and 4). When the pattern layer has a pattern including a non-light shielding part surrounded by the light shielding part, a pattern of luminescence in the form conforming to the pattern of the non-light shielding part is visible upon luminescence of the EL element (specification, page 15, lines 4-8). Alternatively, the pattern layer may have a pattern including a light shielding part surrounded by a non-light shielding part (specification, page 15, lines 10 and 11). Accordingly, a pattern layer must include at least a light shielding part and a non-light shielding part.

The Examiner alleges, on page 4, lines 9 and 10 of the Office Action, that layer 8 of Yasunori is a light transparent pattern layer. This assertion is technically incorrect. Yasunori discloses, in paragraph [0041], that the alleged pattern layer 8 is an insulator layer formed on the perimeter of the lower electrode 3. Yasunori discloses in paragraph [0034], that, as shown in Figs. 1 and 2, the light created exits through the top face including the closure film 104 and the upper electrode 7, which are disclosed to be transparent. Further, Yasunori discloses, in paragraph [0034], that the substrate film 101, which lies against the alleged pattern layer 8, may use a thin film transistor film which is not limited to a transparent material. In other words, the alleged pattern layer 8 is not formed on the fluorescent emission-viewable side nor is any portion of a pattern layer that includes a light shielding part and a non-light shielding part.

For at least the foregoing reasons, Yasunori fails to disclose or suggest a light transparent pattern layer being formed on the fluorescent emission-viewable side of a display, as recited in claims 12 and 17. Since claims 13-15 depend either directly or indirectly from claim 12 and claims 18-20 depend either directly or indirectly from claim 17, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

4. Claims 2, 7, 16 and 21 were rejected under §103(a) over Yasunori in view of Ghosh. As discussed above, claims 1 and 6 have been amended to include the subject matter of claims 2 and 7, respectively. Accordingly, to the extent that this rejection

may be applied against amended claims 1 and 6, this rejection is respectfully traversed (claims 16 and 21 will be discussed in further detail after claims 1 and 6).

Amended claims 1 and 6 recite, in relevant part, an EL element comprising a first film substrate, an EL part, and a sealant layer. A barrier layer having at least one of gas barrier properties and water vapor barrier properties is provided between the first film substrate and the EL part.

The Examiner correctly asserts in the first paragraph on page 7 of the Office Action, that Yasunori fails to disclose a barrier layer provided between the first film substrate and the EL part. For the disclosure of this feature, the Examiner relies on Ghosh, which discloses, in Figs. 3A and 3B, a moisture barrier layer 35 located continuously along a film substrate 34. Applicants respectfully submit that based on the disclosures of Yasunori and Ghosh, one skilled in the art would not have utilized the barrier layer 35 of Ghosh in the device of Yasunori.

Yasunori clearly discloses, in paragraph [0041], that a closure layer 9 is formed on the film substrate 101 of the light emitting device 2 by using a CVD method or sputtering method. Yasunori further discloses, in Figs. 1 and 2, that the closure layer 9 is used to completely surround the EL part 2, which is placed directly on the film substrate 101, and directly contact the film substrate 101. In other words, the closure layer 9 must be applied after the EL part 2 is placed on the film substrate 101, and the closure layer 9 must directly contact the film substrate 101. Since the barrier layer 35 of Ghosh is disclosed in Figs. 3A and 3B as extending along the entire surface of the substrate film 34, there would clearly be no contact between the closure layer 9 of Yasunori and the film substrate 101 if a barrier layer 35 were to be added between the EL part 2 and the film substrate 101 of Yasunori. Therefore, because the closure layer 9 of Yasunori is disclosed as directly contacting the film substrate 101, one skilled in the art would not have placed a barrier layer between the EL part 2 and the film substrate 101 in the manner disclosed in Ghosh and relied upon by the Examiner.

For at least the foregoing reasons, an EL element having a barrier layer having at least one of barrier properties and water vapor barrier properties provided between a

first film substrate and an EL part, as recited in claims 1 and 6, would not have been obvious to one skilled in the art provided with the disclosures of Yasunori and Ghosh. Since claims 4, 5, 9 and 11 (originally rejected using only Yasunori) depend either directly or indirectly from claims 1 and 6, those claims are also believed to be allowable over the applied prior art.

With regard to claims 12 and 17, Applicants respectfully submit that the arguments submitted above distinguish claims 12 and 17 from Yasunori. Since Ghosh does not overcome the deficiencies of Yasunori, and since claims 16 and 20 depend directly from claims 12 and 17, respectively, claims 16 and 21 are also believed to be allowable over the applied prior art.

The Examiner is respectfully requested to note that the present application claims priority from JP 2002-267627 and JP 2002-267628, both of which were filed on September 13, 2002. Ghosh, filed on April 11, 2003, would not be considered prior art if the Applicants perfect the priority date of the present application. Accordingly, the Examiner is requested to contact Applicants' undersigned representative if the Examiner finds the arguments submitted above to be unpersuasive in overcoming the present rejection. At that time, Applicants will submit a verified translation of the priority document to perfect the filing date.

5. Claims 3 and 8 were rejected under §103(a) over Yasunori in view of Lamansky. Applicants respectfully submit that the arguments submitted above distinguish claims 1 and 6 from Yasunori and Ghosh. Since Lamansky does not overcome the deficiencies of Yasunori and Ghosh, and since claims 3 and 8 depend directly from claims 1 and 6, respectively, claims 3 and 8 are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record.

Accordingly, the Examiner is requested to issue a Notice of Allowance for this application in due course.

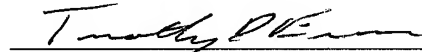
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



Stephen P. Burr

Reg. No. 32,970

Timothy D. Evans

Reg. No. 50,797

SPB/TE/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320